THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.3925 of 1996

Date: 31-08-2005

Between:

Sri P.Suribabu, S/o Laxmaiah, 30 yrs, working in Sericulture Department, Tekulapalli, Khammam Dist.

…Petitioner

a n d

1. The Joint Collector, Khammam District, Khammam and another.

…Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.3925 of 1996

ORAL ORDER:

This petition is preferred questioning the order of cancellation of the Caste Certificate issued to the petitioner by the first respondent.

2. The case of the petitioner is that first respondent has no jurisdiction to cancel the Caste Certificate issued to him and that it is only the Collector who is competent to

cancel a Caste Certificate as per the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short - 'the Act').

3. The order of the first respondent, cancelling the Caste Certificate of the petitioner, is dated 04-09-1995. The Act came into force on 15-05-1997. Prior to the coming into force of the Act, G.O.Ms.No.282 (SW) Dept., dated 19-12-1988 (for short – 'the G.O.') is in force. So, the Act has no application to the facts of this case because it is not given a retrospective operation. It is significant to note that there is no provision relating to appeal in the G.O. as is provided by the Act in Section 7(2) thereof.

4. A Division Bench of this Court in **J.Vijay Kumar v. Joint Collector & Addl. Dist. Magistrate, Nizamabad** held that the orders passed by a Joint Collector cancelling a Caste Certificate under the G.O. can be questioned in an appeal to the Government, on equitable grounds, and gave a direction to the petitioner therein to prefer an appeal to the Government within a time granted and directed the Government to consider the appeal on its merits. In view of the said decision, petitioner also can be granted a similar relief.

5. Therefore, this petition is disposed of with a direction to the petitioner to prefer an appeal to the Government against the order of the first respondent impugned in this petition within 30 days from today and the appeal, if preferred by the petitioner shall be entertained by the government and the same should be disposed of on merits as expeditiously as possible at any rate within a period of two months from the date of receipt of such appeal. Parties are directed to bear their own costs. The interim order granted earlier shall continue in force till the petitioner prefers an appeal and obtains appropriate orders from the Government.

(C.Y.Somayajulu, J.)

Date: 31-08-2005

Cvrk

Note: Office to issue copy

within one week.

//B.O.//

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